



Attorney Docket # 5029-198PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Georg BOGNER et al.

Serial No.: 10/529,675

Filed: April 28, 2005

For: Illumination Device Having Luminous Spots
Formed By Light Emitting Diodes

Examiner: Negron, Ismael
Group Art: 2885

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Alfred W. Froebrich
Name of applicant, assignee or registered representative

Signature

January 21, 2009
Date of Signature

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APPELLANT'S REPLY BRIEF

SIR:

This is appellants' reply brief in response to the Examiner's Answer mailed November 26, 2008 in accordance with 37 C.F.R. § 41.41. Any fees or charges required in connection with this application may be charged to Deposit Account No. 03-2412.

The Examiner's Answer sets forth a new point of argument in Section (10)(A) Response to Argument, to which appellants reply as follows.

The Examiner (at pg. 13 of the Examiner's Answer) states that:

While Appellant is correct in that KAMADA et al. uses references numeral 11 in the detailed description to refer to a "dent" (see Appellant's brief, page 5), *some of the numerals 11 in Figure 1 point to the exposed portion of the submount 12.* (Emphasis Added)

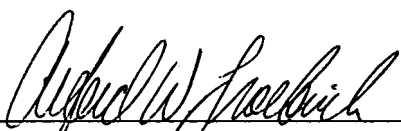
Appellants respectfully disagree.

In FIG. 1 of *Kamada*, reference numeral 11 is used at two locations. In each instance, the numerals clearly identify the open “interior” space of the depicted LED luminare, i.e., the dents. There is no reference numeral in FIG. 1 that points to an exposed portion of a submount. The labeling in FIG. 1 of *Kamada* is consistent with the teachings of this patent, i.e., reference numeral 11 points to dents in the luminare (see paragraphs [0046] and [0047]). Indeed, the submounts 12 in FIG. 1 are located at the four corners of the luminare and are not labeled with reference numeral 12.

In view of the above and Appellants’ previous remarks submitted in the Appeal Brief, independent claim 22 and 45 patentably distinguish over the cited art.

For the foregoing reasons, Appellants respectfully submit that the teachings of the cited art fail to establish a *prima facie* case of anticipation or obviousness with regard to the subject matter recited in independent claims 22 and dependent claims 23-37 and 39-44. The Final Rejection of the claims should be reversed.

Respectfully submitted,
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